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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**STARR IOLA NELSON
a.k.a. STARR WILLIAMS NELSON
Ankriston Villa RR No. 3
Shelburne
Nova Scotia, Canada, B0T 1W0

Registered Nurse License No. 765079**

RESPONDENT

Case No. 2012-129

OAH No. 2011110503

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 24, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-129 against Starr Iola Nelson, a.k.a. Starr Williams Nelson (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about January 6, 2010, the Board of Registered Nursing (Board) issued Registered Nurse License No. 765079 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2011 and has not been renewed.

3. On or about August 24, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-129, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

Ankriston Villa RR No. 3

Shelburne, Nova Scotia, Canada, B0T 1W0.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about September 8, 2011, Respondent signed and returned a Notice of Defense
5 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
6 address of record and it informed her that an administrative hearing in this matter was scheduled
7 for July 19, 2012. Respondent failed to appear at that hearing.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
10 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
11 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
12 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

13 7. California Government Code section 11520 states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
15 agency may take action based upon the respondent's express admissions or upon other evidence
16 and affidavits may be used as evidence without any notice to respondent.

17 8. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on
19 Accusation No. 2012-129 and the documents contained in Default Decision Investigatory
20 Evidence Packet in this matter which includes:

21
22 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-129.
23 Statement to Respondent, Notice of Defense (two blank copies), Request
24 for Discovery and Discovery Statutes (Government Code sections
25 11507.5, 11507.6 and 11507.7), proof of service; mail receipt; Notice of
26 Defense and Notice of Hearing;

27 Exhibit 2: License History Certification for Starr Iola Nelson, a.k.a Starr Williams
28 Nelson, Registered Nurse License No. 765079;

Exhibit 3: Out of State Discipline (College of Registered Nurses of Nova Scotia and North Carolina Board of Nursing);

Exhibit 4: Affidavit of Kami Pratab;

Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of Case No. 2012-129

The Board finds that the charges and allegations in Accusation No. 2012-129 are separately and severally true and correct by clear and convincing evidence.

9. Taking official notice of Certification of Board Costs and the Declaration of Costs by the Office of the Attorney General contained in the Default Decision Investigatory Evidence Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement in connection with the Accusation are \$2,565.00 as of September 14, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Starr Iola Nelson, a.k.a. Starr Williams Nelson has subjected her following license(s) to discipline:

a. Registered Nurse License No. 765079

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

b. Violation of Business and Professions Code section 2761(b) - Procuring license by fraud, misrepresentation or mistake

c. Violation of Business and Professions Code sect 2761(e) - Making or giving any false statement or information in connection with the application for issuance of a certificate or license

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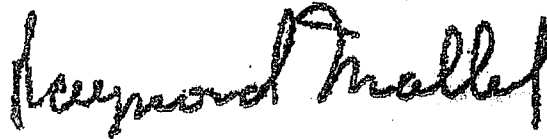
ORDER

IT IS SO ORDERED that Registered Nurse License No. 765079, heretofore issued to Respondent Starr Iola Nelson, a.k.a. Starr William Nelson is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013.

It is so ORDERED December 14, 2012.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-129

Exhibit A

Accusation No. 2012-129

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-129

13 STARR IOLA NELSON, a.k.a. STARR
WILLIAMS NELSON
14 Ankriston Villa RRNo. 3
Shelburne, Nova Scotia, Canada B0T 1W0
Registered Nurse License No. 765079

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 6, 2010, the Board of Registered Nursing issued Registered
23 Nurse License Number 765079 to Starr Iola Nelson, also known as Starr Williams Nelson
24 (Respondent). The Registered Nurse License expired on May 31, 2011, and has not been
25 renewed.
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4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional

1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action."

3 ...
4 "(b) Procuring his or her license by fraud, misrepresentation, or mistake.

5 ...
6 "(e) Making or giving any false statement or information in connection with the application
7 for certificate or license."

8 COST RECOVERY

9 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

15 9. Respondent has subjected her registered nurse license to disciplinary action
16 under Code section 2761, subdivision (a)(4), in that on or about September 16, 2009, in a
17 disciplinary action before the Professional Conduct Committee (PCC) of the College of
18 Registered Nurses of Nova Scotia (College), the PCC approved a Settlement Proposal
19 (Settlement) between the College and Respondent, which reprimanded Respondent for
20 professional misconduct and continued the suspension of her license to practice professional
21 nursing until the lifting of such suspension by the PCC. The College's PCC reviews and accepts,
22 rejects, or suggests amendments to settlement proposals forwarded by the Complaints Committee.
23 The PCC also makes decisions as to whether allegations have been proven and whether the
24 evidence supports professional misconduct, incompetence, incapacity, or conduct unbecoming of
25 the profession. If the evidence supports one of the above violations, the PCC is charged with
26 mandating some type of remedial action. The College's Complaints Committee reviews
27 investigative reports and determines whether there is sufficient evidence which, if proven, could
28

1 reasonably amount to a finding of professional misconduct, incompetence, incapacity, or conduct
2 unbecoming the profession. The Complaints Committee accepts or rejects settlement proposals.

3 10. According to the September 2009 Settlement, the suspension of Respondent's license
4 could not be lifted before May 25, 2010, and not until Respondent: (1) attended a self-help
5 recovery group for alcohol addiction two to three times a week; (2) at her cost, commenced and
6 continued with psychotherapy with a psychologist or clinical social worker regarding her
7 unresolved family of origin issues, in accordance with her therapist's recommendations; (3) at her
8 cost, commenced and continued with addictions therapy in accordance with the counselor's or
9 addictions therapist's recommendations; (4) be re-assessed and treated for her depression as
10 recommended by her family doctor or by a psychiatrist; and (5) refrain from the consumption of
11 alcohol and from taking any prescription or non-prescription medications except as specifically
12 recommended by her physician or her nurse practitioner. In order for Respondent to apply to the
13 PCC for a lift of the suspension of her license to practice nursing, the Settlement required her to:
14 (1) for four months prior to application, participate in and pay for a program of random bodily
15 fluid monitoring for the presence of alcohol and maintain negative readings for such testing;
16 (2) immediately prior to application, undergo an addictions assessment conducted by a College-
17 approved addictions assessor; (3) cause the addictions assessor to provide a report containing
18 opinions regarding Respondent's recovery process with respect to her alcohol addiction, whether
19 Respondent is in the Maintenance stage or recovery and if so, the length of time she has been in
20 that period of recovery, Respondent's preparedness to return to practice, and recommendations
21 for any conditions or restrictions to be imposed on Respondent's license; (4) provide the College
22 with reports from any counselor, psychologist, or therapist who was involved in her therapy and a
23 report from her family physician or a psychiatrist regarding her re-assessment and any treatment
24 for depression; and (5) provide the College and the addictions assessor with a relapse prevention
25 plan that includes her expectations for re-entry to the workplace, identification of risk factors, and
26 an acceptable plan for dealing with these factors. Lastly, the Settlement provided that if
27 Respondent met all of these requirements and submitted her application for a lift of the
28 suspension of her license, the PCC would meet to determine the disposition of her application.

1 11. The underlying conduct supporting the College's disciplinary order is that between
2 September 2002, and February 11, 2003, Respondent was enrolled in the Primary Health Care
3 Nurse Practitioner (PHC-NP) program at Dalhousie University. In or about September 2002,
4 Respondent was confronted by her professor when she arrived at the University on two separate
5 occasions with the smell of alcohol on her breath. On February 4, 2003, it was reported that
6 Respondent arrived for her clinical experience exhibiting slowed speech and unsteady balance,
7 and smelling of alcohol. On or about February 10, 2003, Respondent withdrew from Dalhousie
8 University. On or about February 17, 2003, Respondent's professor filed a letter of complaint
9 with the College, alleging that, on a few occasions during her clinical experience and skills lab in
10 the PHC-NP program, Respondent smelled of alcohol and exhibited signs of being under the
11 influence of alcohol. In or about February or March 2003, Respondent underwent a three to four
12 week treatment program for alcohol addiction through Addiction Prevention and Treatment
13 Services. On or about April 21, 2004, the PCC accepted a settlement proposal imposing a
14 number of conditions and restrictions on Respondent's nursing license.

15 12. In late 2005, Respondent applied to and was accepted into Athabasca University's
16 Advanced Nursing Practice (ANP) program. In January 2006, she forwarded a copy of her 2005
17 license to Athabasca University, but the words on the front of her license "Conditions – See
18 attached" were blocked out. Respondent did not notify Athabasca University that she had any
19 conditions on her license. By July 23, 2006, Respondent had fulfilled several of the conditions
20 that had been placed on her license by the April 2004 settlement proposal, and these conditions
21 were removed from her license. However, the condition requiring that Respondent "refrain from
22 the consumption of alcohol" remained, and the College understood that this condition would
23 continue for as long as Respondent held a license to practice nursing. In 2007, Respondent
24 appealed the condition regarding refraining from the consumption of alcohol. It was agreed that
25 these words would not be written on Respondent's license, however if the College received any
26 inquiries regarding whether Respondent had any agreements with the College governing her
27 ability to practice nursing, the College would be at liberty to disclose the existence of
28 Respondent's undertaking to "refrain from the consumption of alcohol."

1 13. On or about September 8, 2008, Respondent began her ANP clinical experience at
2 North Queens Health Centre in Caledonia, Nova Scotia, with Dr. Rafferty and Ms. Bennett, NP,
3 as her preceptors. The night before her preceptorship was scheduled to begin, Respondent
4 consumed alcohol and missed the first few days of her clinical experience. On or about
5 September 10, 2008, Respondent fell on the side of the highway and had to be assisted back to
6 her hotel. Dr. Rafferty was notified of Respondent's fall and her drinking. When Dr. Rafferty
7 questioned Respondent, she admitted that she had long-standing problems with alcohol and that
8 she was not actively involved in treatment or counseling. On or about September 24, 2008, Dr.
9 Rafferty terminated Respondent's preceptorship and filed a complaint against Respondent with
10 the College. On or about September 25, 2008, the Complaints Committee met and directed the
11 Executive Director to suspend Respondent's license to practice nursing until the suspension was
12 lifted, superseded, or annulled by the Complaints Committee or the PCC. On or about May 4,
13 2009, the Complaints Committee reconvened and in their May 11, 2009 written decision,
14 mandated that Respondent submit to an addictions assessment.

15 14. On or about May 25 and 26, 2009, Respondent underwent an addictions assessment
16 with a registered psychologist. In her June 7, 2009 report, the psychologist diagnosed
17 Respondent with "alcohol dependence, with physiological dependence, early full remission." The
18 psychologist further noted that although Respondent had participated in two structured treatment
19 programs and many sessions with therapists and addiction counselors, Respondent did not have a
20 good understanding of why she drinks to the point of jeopardizing her job and perhaps
21 relationships. The psychologist recommended that Respondent not return to work until she has a
22 significant period of solid sobriety and has made sufficient progress in managing her personal
23 stressors.

24 15. The Complaints Committee met again on or about July 6, 2009, and in its July 15,
25 2009 Decision, continued the suspension of Respondent's license and directed various allegations
26 to the PCC. The allegations were as follows: (1) Respondent suffers from an addiction to alcohol
27 which rendered or renders her unsafe to practice nursing; (2) in or about September 2008,
28 Respondent breached the condition on her license "to refrain from the consumption of alcohol";

1 and (3) in or about January 2006, Respondent altered her license to remove the words "conditions
2 – see attached," when she applied to the nurse practitioner program at Athabasca University.
3 Respondent admitted the allegations and agreed that the first allegation amounted to incapacity
4 and the second and third allegations amounted to professional misconduct.

5 SECOND CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct – Out of State Discipline)
7 (Bus. & Prof. Code § 2761, subd. (a)(4))

8 16.. Complainant realleges the allegations contained in paragraphs 9 through 15 above,
9 and incorporates them by reference as if fully set forth.

10 17. Respondent has subjected her registered nurse license to disciplinary action under
11 Code section 2761, subdivision (a)(4), in that on or about October 8, 2009, in a disciplinary action
12 before the North Carolina Board of Nursing (North Carolina Board), the North Carolina Board
13 entered a Summary Action Order suspending Respondent's North Carolina registered nurse
14 license and ordering that she immediately cease and desist from the practice of nursing in North
15 Carolina. The North Carolina Board's Summary Action Order was based upon the College's
16 September 16, 2009 Settlement and Respondent's conduct underlying the College's disciplinary
17 action, as set forth above in paragraphs 9 through 15.

18 THIRD CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct – Misrepresentation in Procuring License)
20 (Bus. & Prof. Code § 2761, subd. (b))

21 18. Complainant realleges the allegations contained in paragraphs 9 through 17 above,
22 and incorporates them by reference as if fully set forth.

23 19. Respondent has subjected her registered nurse license to disciplinary action under
24 Code section 2761, subdivision (b), in that she procured her nursing certification from the Board
25 through misrepresentation. The circumstances are that on or about May 5, 2009, Respondent
26 submitted an Application for Licensure by Endorsement to the California Board. By signing her
27 application under penalty of perjury, Respondent acknowledged that she understood that she was
28 required to report to the California Board any disciplinary action or voluntary surrender against
any health-care related license or certificate that occurred between the date of her application and

1 the date that her California registered nurse license was issued. Respondent further
2 acknowledged that she understood that her failure to do so could result in the denial of her
3 application or subsequent disciplinary action against her license or certificate. Respondent's
4 California registered nurse license was issued on or about January 6, 2010. Respondent failed to
5 report to the California Board that the College took disciplinary action against her registered
6 nurse license on or about September 16, 2009, or that the North Carolina Board took disciplinary
7 action against her registered nurse license on or about on or about October 8, 2009. Each of these
8 disciplinary actions occurred between the date of her application to the California Board and the
9 date that her California registered nurse license was issued. Respondent's failure to report each
10 of these disciplinary actions constitutes misrepresentation in procuring her nursing certification
11 from the California Board.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – False Statement or Information in Application)
14 (Bus. & Prof. Code § 2761, subd. (e))

15 20. Complainant realleges the allegations contained in paragraphs 9 through 19 above,
16 and incorporates them by reference as if fully set forth.

17 21. Respondent has subjected her registered nurse license to disciplinary action under
18 Code section 2761, subdivision (e), in that she made or gave false statements and information to
19 the Board in connection with her application for issuance of her California registered nurse
20 license. The circumstances are set forth above in paragraphs 9 through 19.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
23 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 765079, issued to Starr
25 Iola Nelson, also known as Starr Williams Nelson;

26 2. Ordering Starr Iola Nelson, also known as Starr Williams Nelson to pay the Board of
27 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 24, 2011

Louise Bailey
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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